

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIRK MACKEY,
Plaintiff,

v.

**WHITESTONE REIT OPERATING
PARTNERSHIP III LP,**
Defendant.

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CASE NO. 4:23-cv-01613

**DEFENDANT’S NOTICE OF SETTLEMENT
AND MOTION TO VACATE ALL DEADLINES**

The parties respectfully notify the Court that the parties have agreed in principle to settle the above-captioned matter. Counsel for the parties are in the process of preparing and finalizing the Settlement and Release Agreement (“Agreement”), which requires, among other things, preparation and filing of a Joint Stipulation of Dismissal of Defendant with Prejudice (“Stipulation of Dismissal”) in this matter. The parties intend to file the Stipulation of Dismissal as soon as practicable, but respectfully request that the parties are given 30 days to finalize the Agreement and perform the obligations therein that are prerequisites to filing of the Stipulation of Dismissal. Accordingly, Defendant respectfully requests that the Court vacate all deadlines, including, without limitation, Defendant’s deadline to file an answer or a motion under Rule 12 in as set forth in the Waiver of the Service of Summons executed by Defendant in this matter.

Defendant is filing this Notice and Motion with Plaintiff’s approval and permission.

Dated: June 30, 2023

Respectfully submitted,

EVERSHEDS SUTHERLAND (US) LLP

By: /s/ Matthew Rawlinson
Matthew Rawlinson
Federal Bar No. 24546
Texas Bar No. 24013379
matthewrawlinson@eversheds-sutherland.com
Abbie G. Sprague
Federal Bar No. 1125904
Texas Bar No. 24074244
abbiesprague@eversheds-sutherland.com
1001 Fannin Street, Suite 3700
Houston, Texas 77002
Telephone: (713) 470-6100
Facsimile: (713) 654-1301

*Counsel for Defendant Whitestone
REIT Operating Partnership III LP*

CERTIFICATE OF SERVICE

This is to certify that on June 30, 2023, a true and correct copy of the foregoing document was served on all parties of record in accordance with the Federal Rules of Civil Procedure.

/s/ Matthew Rawlinson
Matthew Rawlinson